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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:	§	CHAPTER 11
TOMMY'S FORT WORTH, LLC, <i>et al.</i>,¹	§	CASE NO. 24-90000
DEBTORS.	§	(JOINTLY ADMINISTERED)

**DECLARATION OF TOBY L. GERBER IN SUPPORT OF OBJECTION OF M&T
BANK TO DEBTORS' APPLICATION TO EMPLOY FORCE TEN PARTNERS, LLC
[DKT. 142]**

The undersigned Toby L. Gerber declare as follows:

1. I am lead counsel for M&T Bank in the above captioned bankruptcy proceedings.
2. Based upon information provided by Debtors' proposed counsel, I contacted Susan Haque, general counsel of Artemis Capital LLC and made inquiry regarding funding of retainers for the Debtors' proposed professionals.
3. On June 14, 2024, Ms. Haque transmitted to me a Declaration which she represented as being signed by Casey Young as Manager of Artemis Capital attesting to certain information. A true and correct copy of the Declaration is attached hereto.

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Tommy's Fort Worth, LLC (3473); Tommy's Holding Company, LLC (2662); Tommy's Grand Rapids, LLC (9224); Tommy's Castaic, LLC (7501); Tommy's Lewisville, LLC (4750); High Country Watersports, LLC (6160); Walloon Lake Village Marina, LLC (0277); MKB Florida Holdings, LLC (5698); Tommy's Detroit, LLC (5242); Tommy's California Fresno, LLC (8597); Tommy's Phoenix, LLC (3036); Tommy's Las Vegas, LLC (7721); Tommy's Chattanooga, LLC (0839); Tommy's California Ventura, LLC (5149); Tommy's Rancho Cordova, LLC (1070); Tommy's Stockton, LLC (1338); and Tommy's Knoxville, LLC (8052).

4. Following receipt of the Declaration, I asked Ms. Haque to confirm that Artemis Capital would not disclose the identity of the Borrower referenced in the Declaration. On June 17, 2024, Ms. Haque indicated she would have to discuss the matter with her client and would reach out to me afterwards. I have not received any further communications with Ms. Haque or Artemis Capital since then.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 1, 2024.

/s/ Toby L. Gerber

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re: TOMMY'S FORT WORTH, LLC, *et al.*¹) Chapter 11
Debtors.) Case No. 24-90000
) (Jointly Administered)
)

DECLARATION REGARDING SOURCE OF FUNDING

Casey R. Young, the Manager of Artemis Capital, LLC, ("Artemis Capital") a Michigan limited liability company, makes this Declaration pursuant to 28 U.S.C. § 1746 and states:

1. I file this Declaration due to recent inquiries by Mr. Toby L. Gerber concerning the source of funding of fee retainers for Debtors in this matter.
2. On May 20, 2024, Artemis Capital wired \$250,000 to Gutnicki, LLP for a fee retainer and \$300,000 to Force 10 Partners for a fee retainer. Those funds were the proceeds of a business loan provided by Artemis Capital. Borrower requested the loan proceeds be directed to Gutnicki, LLP and Force 10 Partners.
3. The business loan is an arms-length transaction with a Borrower that is not a Debtor named in this matter.
4. Artemis Capital and its investors are NOT an "affiliate" (as defined in Section 101(2) of the Bankruptcy Code) of any of the Debtors named in this matter.
5. Artemis Capital and its investors are NOT an "insider" (as defined in Section 101(31) of the Bankruptcy Code) of any of the Debtors named in this matter.

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I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge and after reasonable inquiry, the forgoing is true and correct.

Dated June 13, 2024

DocuSigned by:

Casey Young
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Casey R. Young, as Manager for Artemis Capital, LLC